

House File 2350 - Introduced

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A BILL FOR

1 An Act establishing the religious conscience protection Act.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 216F.1 Title

2 This chapter shall be known and may be cited as the
3 *"Religious Conscience Protection Act."*

4 Sec. 2. NEW SECTION. 216F.2 Exemptions — marriage —
5 solemnization, celebration, treating as valid.

6 1. A religious corporation, association, educational
7 institution, society, charity, or fraternal organization, or an
8 individual employed by such an entity while acting in the scope
9 of employment shall not be required to do any of the following
10 if doing so would cause such entity to violate the sincerely
11 held religious beliefs to which the entity subscribes or such
12 individual to violate the individual's sincerely held religious
13 beliefs:

14 a. Solemnize a marriage.

15 b. Treat a marriage as valid.

16 c. Provide services, accommodations, advantages,
17 facilities, goods, or privileges for a purpose related to the
18 solemnization or celebration of a marriage.

19 2. a. Except as provided in paragraph "b", an individual,
20 sole proprietor, or small business shall not be required to do
21 any of the following if doing so would cause the individual
22 or sole proprietor to violate the individual's or sole
23 proprietor's sincerely held religious beliefs or the small
24 business to violate the sincerely held religious beliefs to
25 which the small business subscribes:

26 (1) Provide goods or services that assist or promote
27 the solemnization or celebration of a marriage, or provide
28 counseling or other services that directly facilitate the
29 perpetuation of a marriage.

30 (2) Provide benefits to the spouse of an employee.

31 (3) Provide housing to a married couple.

32 b. The exemptions provided pursuant to paragraph "a" shall
33 not apply if either of the following conditions exist:

34 (1) A party to the marriage is unable to obtain similar
35 goods or services, employment benefits, or housing elsewhere

1 without substantial hardship.

2 (2) If the individual is a government employee or official
3 and another government employee or official is not promptly
4 available and willing to provide the requested government
5 service without inconvenience or delay.

6 *c.* For the purposes of this subsection, "*small business*"
7 means a legal entity other than a natural person that meets any
8 of the following specifications:

9 (1) Provides services which are primarily performed by an
10 owner of the business.

11 (2) Has five or fewer employees.

12 (3) If a legal entity providing housing for rent, owns five
13 or fewer units of housing.

14 3. Refusal to provide services, accommodations, advantages,
15 facilities, goods, or privileges if in accordance with this
16 section, shall not result in either of the following:

17 *a.* Creation of any civil claim or cause of action.

18 *b.* An action by the state or a political subdivision, under
19 any law of the state or a political subdivision, to penalize
20 or withhold benefits from any individual or entity acting in
21 accordance with this section including but not limited to
22 laws regarding employment discrimination, housing, public
23 accommodations, educational institutions, licensing, government
24 contracts or grants, or tax-exempt status.

25 EXPLANATION

26 This bill creates the religious conscience protection
27 Act. The bill provides exemptions for religious corporations,
28 associations, educational institutions, societies, charities,
29 and fraternal organizations, and individuals employed by such
30 entities while acting in the scope of employment, from any
31 requirement to solemnize a marriage, treat a marriage as valid,
32 or provide services, accommodations, advantages, facilities,
33 goods, or privileges for purposes related to the solemnization
34 or celebration of a marriage, if by doing so would cause such
35 entity to violate the sincerely held religious beliefs to

1 which the entity subscribes or the individual to violate the
2 individual's sincerely held religious beliefs.

3 Additionally, with regard to an individual, sole proprietor,
4 or small business, the bill exempts these entities from any
5 requirements of providing goods or services that assist or
6 promote the solemnization or celebration of a marriage or
7 providing counseling or other services that directly facilitate
8 the perpetuation of a marriage; providing benefits to the
9 spouse of an employee; or providing housing to a married
10 couple, if doing so would cause the individual or sole
11 proprietor to violate the individual's or sole proprietor's
12 sincerely held religious beliefs or the small business to
13 violate the sincerely held religious beliefs to which the small
14 business subscribes.

15 However, the exemptions do not apply if a party to the
16 marriage is unable to obtain similar goods or services,
17 employment benefits, or housing elsewhere without substantial
18 hardship; or if the individual is a government employee
19 or official and another government employee or official is
20 not promptly available and willing to provide the requested
21 government service without inconvenience or delay. The bill
22 also defines "small business" for the purposes of the bill.

23 The bill provides that refusal to provide services,
24 accommodations, advantages, facilities, goods, or privileges
25 in accordance with the bill shall not result in creation of a
26 civil claim or cause of action, or any action by the state or a
27 political subdivision to penalize or withhold benefits from any
28 individual or entity exempted under the bill, including but not
29 limited to laws regarding employment discrimination, housing,
30 public accommodations, educational institutions, licensing,
31 government contracts or grants, or tax-exempt status.